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FAX COVER LETTER

November 16, 2001

TO: Examiner Michele Flood
COMPANY: United States Patent and Trademark Office
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FROM: Louis C. Cullman
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RE:

COMMENTS: Applicant: Schwarz et al.
Serial No.: 09/402,680
Filed: 01/10/2000
Title: METHODS FOR INACTIVATING PATHOGENS IN A BIOLOGICAL MATERIAL
Examiner: Flood
Group Art Unit: 1651
Atty Docket No.: 20560.21

Attached herewith:

Response to Restriction Requirement
Change of Correspondence Address

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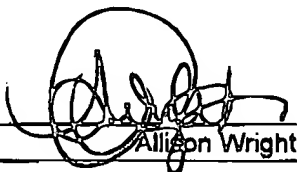
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Allison Wright

Applicant: Schwarz t al.

Serial No.: 09/402,680

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Title: METHODS FOR INACTIVATING
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the restriction requirement in the Office Action dated October 16, 2001, applicant provisionally elects to prosecute, with traverse, Group I (claims 43-64 and 73-75) directed to methods for inactivating microorganisms and pyrogens present in biological materials.

The Examiner states that the claims recited in Group I utilize an alkyl phosphat free solution and that claims recited in Group II utilize a solution that may contain alkyl phosphates. Applicants respectfully submit that the detergent recited in Group II is also a phosphate free solution. First, the solution recited in Group II is a tri-n-butyl phosphate (TNBP)- free TWEEN®-80 solution (emphasis added). Second, TNBP-free TWEEN®-80 solution is a species of the genus of alkyl-phosphate free detergents. That is, TWEEN® does not contain phosphates by definition. In The Condensed Chemical Dictionary, 8th Ed., TWEEN® is defined as "a trademark for a series of general purpose emulsifiers and surface active agents. They are polyoxyethylene derivatives of fatty acid partial esters of sorbitol anhydrides." Third, Applicants respectfully submit that search of the recited detergents would not be unduly burdensome and easily performed. The Applicant's pending claims are directed to alkyl phosphate free detergents and a



subset of this class (i.e., TNBP-free TWEEN®-80). Thus, searching the generic class of alkyl phosphate free detergents would encompass TWEEN® detergents. Accordingly, Applicants respectfully submit that claims directed to Group I and Group II may be examined simultaneously.

If the Examiner feels for any reason that direct contact with the Applicant's attorney will advance the prosecution of this case to finality, the Examiner is invited to contact the undersigned at the number below.

The Commissioner is hereby authorized to charge payment of any additional filing fees or credit any overpayment to Deposit Account No. 16-2230.

Respectfully submitted,

November 16, 2001

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